~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 26, 2012

**S. 1478**

Introduced by Senator Campsen

S. Printed 4/26/12--S. [SEC 4/27/12 2:15 PM]

Read the first time April 24, 2012.

**A** **BILL**

TO AMEND SECTIONS 56‑3‑8000 AND 56‑3‑8100 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY AND ISSUED ON BEHALF OF A NON‑PROFIT ORGANIZATION, TO REVISE THE REQUIREMENTS PLACED UPON THE INDIVIDUALS OR ORGANIZATIONS THAT SEEK PRODUCTION OF A SPECIAL LICENSE PLATE, TO REVISE THE COST OF THE LICENSE PLATES, REVISE THE DISTRIBUTION OF FEES COLLECTED, TO REVISE THE DESIGN OF A SPECIAL LICENSE PLATE, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL PERSONALIZED LICENSE PLATES FOR ANY SPECIAL ORGANIZATIONAL LICENSE PLATE; AND TO AMEND SECTION 56‑3‑1230, RELATING TO LICENSE PLATE SPECIFICATIONS AND THE ISSUANCE OF NEW LICENSE PLATES AND REVALIDATION STICKERS, TO PROVIDE A REFERENCE TO THE FEE CHARGED FOR THE ISSUANCE OF A REPLACEMENT LICENSE PLATE, AND TO DELETE THE PROVISION THAT ALLOWS A PORTION OF THE BIENNIAL REGISTRATION FEE BE USED TO DEFRAY THE COSTS ASSOCIATED WITH THE PRODUCTION AND ISSUANCE OF NEW LICENSE PLATES.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56-3-8000 of the 1976 Code is amended to read:

“Section 56-3-8000. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630, and motorcycles as defined in Section 56-3-20, registered in their names ~~which may have imprinted on the plate an emblem, a seal, or other symbol the department considers appropriate of an~~ issued on behalf of an organization which has obtained certification pursuant to either Section 501(C)(3), 501(C)(6), 501(C)(7), or 501(C)(8) of the Federal Internal Revenue Code and maintained this certification for a period of five years.

(1) The department must develop a basic plate design that will be used for all special organizational license plates. The plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the plate in an area specified by an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the plate design unless they are part of the approved emblem, seal, insignia, or other identifying symbol. The standard plate design must be issued for all organizational plates newly requested. Organizational plate designs currently in production must be changed when the plate, or plate class, is replaced.

(2) The plate must be issued or revalidated for a biennial period which expires twenty-four months from the month that it was issued. The biennial fee for this special license plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate. The initial fee amount requested may be changed only every five years from the first year the plate is issued. ~~Of the additional fee collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates. Any of the remaining fee not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate. The special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.~~

(B) If the organization seeking issuance of the plate does not request an additional fee in addition to the regular registration fee, the department may collect an additional fee of ten dollars.

(C) Of the additional fee collected pursuant to subsections (A) and (B), the Comptroller General shall place sufficient funds into a special restricted account to be used by the department to defray the expenses associated with producing and administering special license plates.

(D) The remainder of additional fees collected pursuant to subsections (A) and (B) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund if no additional fee is requested by the organization.

~~(B)~~(E)(1) Before the department produces and distributes a plate pursuant to this section, it must receive~~:~~

~~(1)~~ ~~four hundred or more prepaid applications for the special license plate or four thousand~~ a non-refundable application fee of six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate and a plan to market the sale of the special license plate which must be approved by the department.~~; and~~

(2) ~~a plan to market the sale of the special license plate which must be approved by the department. If the individual or organization seeking issuance of the plate submits four thousand dollars, the~~ The Comptroller General shall place ~~that money~~ the non-refundable application fee into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

~~(C)~~(F) If the department receives less than three hundred biennial applications and renewals for a particular plate authorized under this section, it shall not produce additional plates in that series. The department shall continue to issue plates of that series until the existing inventory is exhausted.

~~(D)~~(G) License plates issued pursuant to this section shall not contain a reference to a private or public college or university in this State or use symbols, designs, or logos of these institutions without the institution's written authorization.

~~(E)~~(H) Before a design is approved, the organization must submit to the department written authorization ~~for the~~ of legal authority to use ~~of~~ any copyrighted or registered logo, trademark, or design, and the organization’s acceptance of legal responsibility for the use.

~~(F)~~(I)(1) The department may alter, modify, or refuse to produce any special license plate that it deems offensive or fails to meet community standards. If the department alters, modifies, or refuses to produce a special license plate, the organization or individual applying for the license plate may appeal the department's decision to a special joint legislative committee. This committee shall be comprised of two members from the House Education and Public Works Committee and two members from the Senate Transportation Committee.

(2) Appointments to the joint legislative committee shall be made by the chairmen of the House Education and Public Works Committee and the Senate Transportation Committee. The department's decision may be reversed by a majority of the joint legislative committee. If the committee reverses the department's decision, the department must issue the license plate pursuant to the committee's decision. However, the provision contained in ~~subitem (B) of this section~~ subsection (E) also must be met. The joint legislative committee may also review all license plates issued by the department and instruct the department to cease issuing or renewing a plate it deems offensive or fails to meet community standards.

~~(G)~~(J) For each new classification of special vehicle license plate including, but not limited to, motorcycle license plates, created pursuant to this section must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.

(K) The fee required by subsection (E)(1) may be reviewed by the General Assembly no later than January 15, 2015, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a stand alone bill that must be considered separate and apart from any other matter.”

SECTION 2. Section 56-3-8100 of the 1976 Code is amended to read:

“Section 56-3-8100. (A) Before the Department of Motor Vehicles produces and distributes a special license plate created by the General Assembly after ~~January 1, 2006~~ the effective date of A. \_\_\_ of 2012, R. \_\_\_, S. 1478, it must receive:

(1) ~~four hundred prepaid applications for the special license plate or four thousand~~ a non-refundable application fee of six thousand eight hundred dollars from the individual or organization seeking issuance of the license plate; and

(2) a plan to market the sale of the special license plate which must be approved by the department~~; and~~

~~(3)~~ ~~the emblem, a seal, or other symbol to be used for the plate and, if necessary, written authorization for the department to use a logo, trademark, or design that is copyrighted or registered. If the individual or organization seeking issuance of the plate submits four thousand dollars, the Comptroller General shall place that money into a restricted account to be used by the department to defray the initial cost of producing the special license plate~~.

(B) The Comptroller General shall place the non-refundable application fee into a restricted account to be used by the department to defray the initial cost of producing the special license plate.

(C) The department must develop a basic plate design that will be used for all special organizational license plates. The plate must be the same size and general design of regular motor vehicle license plates but may be imprinted on the plate in an area specified by an emblem, seal, insignia, or other identifying symbol of the sponsoring organization that the department considers appropriate. No text or slogans may be added to the plate design unless they are part of the approved emblem, seal, insignia, or other identifying symbol. The standard plate design must be issued for all organizational plates newly requested. Organizational plate designs currently in production must be changed when the plate, or plate class, is replaced.

~~(B)~~(D) The fee for all special license plates created by the General Assembly ~~after January 1, 2006,~~ is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the plate. The initial fee amount requested can only be changed every five years from the first year the plate is issued. Each special license plate must be of the same size and general design of regular motor vehicle license plates. Each special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month the special license plate is issued.

(E) If the organization seeking issuance of the plate does not request an additional fee in addition to the regular registration fee, the department may collect an additional fee of ten dollars.

~~(C)~~(F) Of the additional fee collected pursuant to ~~this section~~ subsections (B) and (C), the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of producing and administering special license plates. Any of the remaining additional fee collected pursuant to subsections (B) and (C) not placed in the restricted account must be distributed to an organization designated by the individual or organization seeking issuance of the license plate, or to the general fund, if no additional fee is requested by the organization.

~~(D)~~(G) If the department receives less than three hundred biennial applications and renewals for a particular special license plate, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(E)~~(H) If the department receives less than three hundred biennial applications and renewals for plates created pursuant to Article 12, Chapter 3, Title 56; Article 14, Chapter 3, Title 56; Article 31, Chapter 3, Title 56; Article 39, Chapter 3, Title 56; Article 40, Chapter 3, Title 56; Article 43, Chapter 3, Title 56; Article 45, Chapter 3, Title 56; Article 49, Chapter 3, Title 56; Article 50, Chapter 3, Title 56; Article 60, Chapter 3, Title 56; Article 70, Chapter 3, Title 56; Article 72, Chapter 3, Title 56; and Article 76, Chapter 3, Title 56, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

~~(F)~~(I) The provisions contained in subsection (A)(1) and (2) do not apply to the production and distribution of the Korean War Veterans Special License Plates contained in Article 68, Chapter 3, Title 56.

~~(G)~~(J) Each new classification of special vehicle license plate, including, but not limited to, motorcycle license plates, created pursuant to this section, must meet the requirements of Articles 81 and 82, Chapter 3, Title 56 as appropriate.

(K) The fee required by subsection (E)(1) may be reviewed by the General Assembly no later than January 15, 2015, and every two years thereafter. The department must provide a detailed, comprehensive justification to increase the fee. Any fee increase must be introduced in a stand alone bill that must be considered separate and apart from any other matter.”

SECTION 3. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56-3-8150. (A) The department may issue special personalized motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630, and motorcycles as defined in Section 56-3-20, registered in their names for any special organizational plate authorized pursuant to Section 56-3-8000 or any organizational plate authorized by statute.

(B) The fee for all special personalized organizational license plates created pursuant to this section is the regular biennial registration fee set forth in Article 5, Chapter 3 of this title plus an additional biennial fee of fifty dollars, in addition to any special fee associated with that plate design. The Comptroller General shall place the thirty dollars of the personalized organizational plate fee in a special restricted account to be used by the department to defray the costs of its vehicle tag programs. The remaining fee must be distributed to the sponsoring organization. The department may not refund the fee once the personalized plate has been manufactured.

(C) The plate design will be identical to the design approved by the department for the organizational plate but the plate will bear the requested number or letter combination subject to approval by the department. There may be no duplication of registration plates. The department, in its discretion, may refuse the issue of letter or number combinations which may carry connotations offensive to good taste and decency and may not assign to a person not holding the relevant office letters or numerals denoting the holder to have public office.”

SECTION 4. Section 56‑3‑1230 of the 1976 Code is amended to read:

“Section 56‑3‑1230. (A) License plates must be at least six inches wide and not less than twelve inches in length and must show in bold characters the year of registration, the serial number, the full name or the abbreviation of the name of the State, and other distinctive markings the department may consider advisable to indicate the class of the weight of the vehicle for which the license plate was issued. The plate must be of a strength and quality to provide a minimum service of five years. A new license plate including personalized and special plates, but excluding license plates provided in Sections 56‑3‑660 and 56‑3‑670, must be provided by the department at intervals the department considers appropriate, but at least every six years from the initial date of issue. A new license plate for vehicles contained in Sections 56‑3‑660 and 56‑3‑670 must be provided by the department at intervals the department considers appropriate. ~~Beginning with the vehicle registration and license fees required by this title which are collected after July 1, 2002, except for the fees collected pursuant to Sections 56‑3‑660 and 56‑3‑670, two dollars of each biennial fee and one dollar of each annual fee collected from the vehicle owner must be placed by the Comptroller General in a special restricted account to be used solely by the Department of Motor Vehicles for the costs associated with the production and issuance of new license plates. The department is not authorized to use this set aside money for any other purpose.~~ Owners obtaining a replacement plate must pay a six dollar plate replacement fee as specified in Section 56‑3‑1320 at the time the plate is replaced, in addition to the regular registration fees and specialty plate fees associated with that plate class. License plates issued for vehicles in excess of twenty‑six thousand pounds must be issued biennially, and no revalidation sticker may be issued for the plates. License plates issued as permanent may be revalidated and replaced at intervals determined by the department.

(B) The face of the license plate must be treated completely with a retroreflective material which increases the nighttime visibility and legibility of the plate. The department shall prepare the specifications for the retroreflective material. In those years in which a metal plate is not issued, a revalidation sticker with a distinctive serial number or other suitable means prescribed by the department must be issued and affixed in the space provided on the license plate assigned to the vehicle upon payment of the fee prescribed for registration and licensing, including fees for personalized or special license plates.”

SECTION 5. This act takes effect upon approval by the Governor.

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